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EXAMINER

TRAN A, PHI DIEU N

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/076,211	TRPKOVSKI, PAUL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phi D A	3637	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4, 5</u> . | 6) <input type="checkbox"/> Other: _____.                                   |

***Claim Rejections - 35 USC § 112***

1. The term "significantly " in claims 14, 17, 22, 31, 34, 40, 48, 50, 56 is a relative term which renders the claim indefinite. The term "significantly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear what the metes and bounds of the term are.

2. Claims 56-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 56 lines 7-10 “ the second...of the second pane...periphery of the second pane” is indefinite. The disclosure shows that the covering is disposed over the first pane (2A) as specifically shown in figures 7B-7C to part 20, and not to second pane (2B).

**The claims are examined as best understood.**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

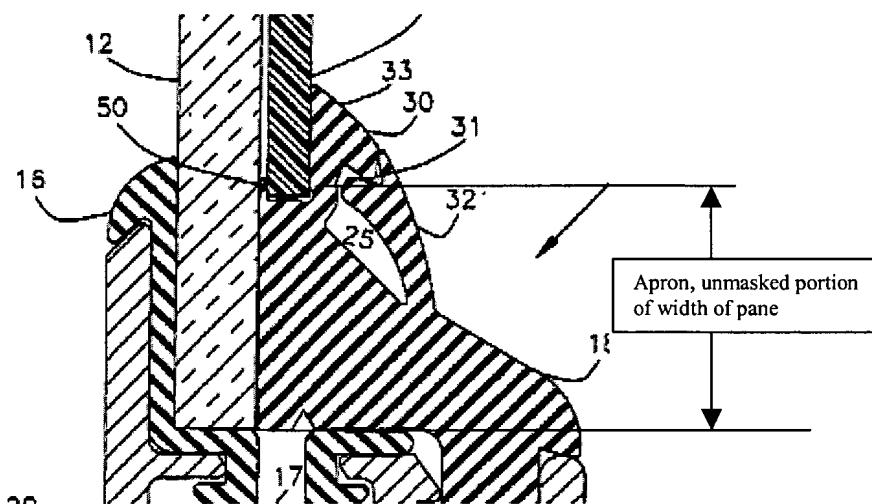
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-15, 17-18, 21-23, 26-32, 34-35, 38-41, 44-45, 48-51, 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al (5735089).

Smith et al shows a transparent pane (12) having first and second generally opposed major surfaces, the pane being sized and shaped to be mounted in a frame configured to received at least one edge of the pane, the pane having a protective covering (14) disposed over an oversized masked portion of the first surface, the covering having at least one piece of masking material, the masked portion of the first surface having a lesser area than the first surface itself but having a significantly greater area than an exposed central portion of the first surface that is left uncovered by the frame (33) when the pane is mounted, the covering being a single sheet of masking material, the covering is sized, shaped and positioned such that at least one peripheral side portion of the covering (14) extends significantly beneath a confronting surface of the frame (33, beyond the edge of the frame) when the pane is mounted, the at least one peripheral side portion of the covering extending a predetermined distance beneath a confronting surface of the frame when the pane is mounted, the peripheral side portion of the covering does not extend so far beneath the confronting surface of the frame as to engage glazing compound between the frame and the pane (further below), all the peripheral side portions of the covering extending significantly confronting surfaces of the frame when the pane is mounted, all the peripheral side portions of the covering extending a predetermined distance beneath confronting surfaces of the frame when the pane is mounted, the first surface of the pane having an unmasked apron between an outer periphery of the covering and an outer periphery of the pane( the periphery of pane 12 not covered by part 14), the first surface of the pane being entirely masked other than its unmasked peripheral apron ( the periphery of pane 12 not covered by part 14), the first surface of the pane being a polygonal shape (rectangular) with three or more sides and the unmasked apron extends along at least one side of the first surface, the unmasked apron extending along all sides

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of the first surface such that a complete periphery of the first surface is unmasked, the unmasked apron having a width along all sides of the first surface that is significantly less than an overlap



distance by which confronting surfaces of the frame extend over the first surface when the pane is mounted, such that all peripheral edges of the covering being concealed beneath the frame, the edges of the covering being concealed beneath the frame but do not engage the glazing compound between the frame and the pane (the apron of the pane which contacts the frame on the inside of 11).

### ***Claim Rejections - 35 USC § 103***

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
- Claims 1-7, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams, Jr. et al (5866260) in view of Tachauer et al (0070391).

Adams Jr. et al shows a transparent pane (18) having first and second generally opposed major surfaces (20, 21) being sized and shaped to be mounted in a frame configured to received at least one edge of the pane (figures 5b, 6b), the pane having a protective covering (22) disposed over a major portion of the first surface(20), the masking material being transparent (col 3 line 45), the protective covering (22) being disposed over substantially the entire first surface of the pane, the first surface (20) of the pane having an unmasked apron (20b, figure 4B) between an outer periphery of the protective covering and an outer periphery of the pane, the first surface of the pane being entirely masked other than its unmasked peripheral apron (20B), the protective covering being sized, shaped and positioned such that at least one/all peripheral side portion of the protective covering extends significantly beneath a confronting surface of the frame when the pane is mounted (frame 26, figure 5B), the peripheral side portion of the covering does not extend so far beneath the confronting surface of the frame as to engage glazing compound (28) between the frame and the pane, the pane being part of a multiple pane insulating glass unit (col 1 lines 17, 50).

Adams Jr. et al does not show the protective covering having a plurality of strips of masking material.

Tachauer et al discloses a protective covering having a plurality of strips of masking material (figure 4A) to cover a large surface without resorting to one large(large in both dimensions) piece of covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Adams Jr. et al to show the protective covering having a plurality of strips of masking material because it would allow for the covering of large surfaces without resorting to

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one large piece of covering as taught by Tachauer et al, and thus resulting in cost saving per easy covering of the pane.

Per claims 3-4, Adams Jr. et al as modified by Tachauer et al shows all the claimed limitations except for the strips of masking material being disposed in a sequentially overlapping fashion with each subsequent strip overlapping a portion of a preceding strip, the strips extending substantially in parallel across the first surface of the pane.

Tachauer et al (figures 4-4A) further shows the strips of masking material being disposed in a sequentially overlapping fashion with each subsequent strip overlapping a portion of a preceding strip, the strips extending substantially in parallel across the first surface of the pane.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Adams Jr. et al's modified structure to show the strips of masking material being disposed in a sequentially overlapping fashion with each subsequent strip overlapping a portion of a preceding strip, the strips extending substantially in parallel across the first surface of the pane as taught by Tachauer et al because it would enable easy and control peeling of the covered surfaces of the pane.

3. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams Jr. et al (5866260) in view of Tachauer et al as applied to claimed 1 above and further in view of Smith et al (5735089).

Adams Jr. et al as modified shows all the claimed limitations except for the covering being sized, shaped, and positioned such that at least one/all peripheral side portion of the covering extending significantly beneath a confronting surface of the frame when the pane is

mounted, the peripheral side portions of the covering does not extend so far beneath the confronting surface of the frame as to engage glazing compound between the frame and the pane.

Smith et al discloses covering (14) being sized, shaped, and positioned such that at least one/all peripheral side portion of the covering extending significantly beneath a confronting surface of the frame when the pane is mounted, the peripheral side portions of the covering does not extend so far beneath the confronting surface of the frame as to engage any glazing compound between the frame and the pane, the edges being hidden in grooves.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Adams Jr. et al's modified structure to show the covering being sized, shaped, and positioned such that at least one/all peripheral side portion of the covering extending significantly beneath a confronting surface of the frame when the pane is mounted, the peripheral side portions of the covering does not extend so far beneath the confronting surface of the frame as to engage glazing compound between the frame and the pane as taught by Smith et al because it would enable Adam Jr. et al's modified cover to hide the edges in the groove and thus reducing the precise manufacturing tolerance required of the cover, which would result in cost saving and guarantee covering of the exposed central portion of the pane.

4. Claims 13-15, 17-18, 21-23, 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams Jr. et al (5866260) in view of Smith et al (5735089).

Adam Jr. et al shows a transparent pane having first and second generally opposed major surfaces (20, 21), the pane being sized and shaped to be mounted in a frame configured to received at least one edge of the pane, the pane having a protective covering (22) disposed over an oversized masked portion of the first surface (20), the covering having at least one piece of



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masking material, the masked portion of the first surface having a lesser area than the first surface itself, the covering being a single sheet of masking material, the first surface of the pane having an unmasked apron between an outer periphery of said protective covering and an outer periphery of the pane, the first surface of the pane (20) being entirely masked other than its unmasked peripheral apron, the first surface of the pane having a polygonal shape (rectangular) with three or more sides (4 sides) and the unmasked apron (20b) extending along at least one side of the first surface, the unmasked apron (20b) extending along all sides of the first surface such that a complete periphery of the first surface is unmasked (figure 4A), the pane being part of a multiple pane insulating glass unit.

Adam Jr. et al does not show the masked portion having a significant greater area than an exposed central portion of the first surface that is left uncovered by the frame when the pane is mounted, the covering being sized, shaped, and positioned such that at least one/all peripheral side portion of the protective covering extending significantly beneath a confronting surface of the frame when the pane is mounted, at least one/all peripheral side portion of the covering extending a predetermined distance beneath a confronting surface of the frame when the pane is mounted, the side portion of the covering does not extend so far beneath the confronting surface of the frame as to engage glazing compound between the frame and the pane, the unmasked apron having a width along all sides of the first surface that is significantly less than an overlap distance by which confronting surfaces of the frame extend over the first surface when the pane is mounted such that all peripheral edges of the protective covering are concealed beneath the frame.

Smith et al shows a cover (14) having a masked portion having a significant greater area than an exposed central portion of the first surface that is left uncovered by the frame when the pane is mounted, the edges of the cover hidden within the groove of the frame (33), the covering being sized, shaped, and positioned such that at least one/all peripheral side portion of the protective covering extending significantly beneath a confronting surface of the frame when the pane is mounted, at least one/all peripheral side portion of the covering extending a predetermined distance beneath a confronting surface of the frame when the pane is mounted, the side portion of the covering does not extend so far beneath the confronting surface of the frame as to engage any glazing compound between the frame and the pane, the unmasked apron having a width along all sides of the first surface that is significantly less than an overlap distance by which confronting surfaces of the frame extend over the first surface when the pane is mounted such that all peripheral edges of the protective covering are concealed beneath the frame.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Adam Jr. et al to show the masked portion having a significant greater area than an exposed central portion of the first surface that is left uncovered by the frame when the pane is mounted, the covering being sized, shaped, and positioned such that at least one/all peripheral side portion of the protective covering extending significantly beneath a confronting surface of the frame when the pane is mounted, at least one/all peripheral side portion of the covering extending a predetermined distance beneath a confronting surface of the frame when the pane is mounted, the side portion of the covering does not extend so far beneath the confronting surface of the frame as to engage glazing compound between the frame and the pane, the unmasked apron having a width along all sides of the first surface that is significantly less

than an overlap distance by which confronting surfaces of the frame extend over the first surface when the pane is mounted such that all peripheral edges of the protective covering are concealed beneath the frame as taught by Smith et al because it would enable Adam Jr. et al's cover to hide the edges in groove and thus reducing the precise manufacturing tolerance required of the cover, which would result in cost saving and guarantee covering of the exposed central portion of the pane.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam Jr. et al in view of Smith et al (5735089) as applied to claim 13 above and further in view of Tachauer et al.

Adam Jr. et al as modified shows all the claimed limitations except for the covering comprising a plurality of strips of masking material.

Tachauer et al discloses a protective covering having a plurality of strips of masking material (figure 4A) to cover a large surface without resorting to one large (large in both dimensions) piece of covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Adams Jr. et al's modified structure to show the protective covering having a plurality of strips of masking material because it would allow for the covering of large surfaces without resorting to one large piece of covering as taught by Tachauer et al, and thus resulting in cost saving per easy covering of the pane.

6. Claims 19-20, 24-25, 36-37, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (5735089).

Smith et al shows all the claimed limitations except for the distance being at least 1/16 inch and about 1/8 inch.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Smith et al to show the distance being at least 1/16 inch and about 1/8 inch because it would have been an obvious matter of design choice to show the distance being at least 1/16 inch and about 1/8 inch since such a modification would have involved a mere change in the size of a component/groove. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

7. Claims 34-35, 38-41, 44-45, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams Jr. et al (5866260) in view of Smith et al (5735089).

Adam Jr. et al shows a transparent pane having first and second generally opposed major surfaces (20, 21), the pane being mounted to a frame in which at least one edge/all of the pane is received, the pane having a protective covering (22b) disposed over a masked portion of the first surface, the first surface having an unmasked apron (the unmasked portion) disposed over an outer periphery of the protective covering (22b) and an outer periphery of the pane, the covering having at least one piece of masking material, the covering consisting of a single piece of masking material, the pane being part of a multiple pane insulating glass unit.

Adam Jr. et al does not show the covering having at least one/all peripheral side portion of the covering extending significantly beneath a confronting surface of the frame, the side portion extending a predetermined distance beneath the confronting surface of the frame, the side portion does not extend so far beneath said confronting surface of the frame as to engage glazing compound between the frame and the pane.

Smith et al shows the covering (14) having at least one/all peripheral side portion of the covering extending significantly beneath a confronting surface of the frame (33), the side portion

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extending a predetermined distance beneath the confronting surface of the frame, the side portion does not extend so far beneath said confronting surface of the frame as to any engage glazing compound between the frame and the pane, the edges of the cover being hidden in grooves.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Adam jr. et al to show the covering having at least one/all peripheral side portion of the covering extending significantly beneath a confronting surface of the frame, the side portion extending a predetermined distance beneath the confronting surface of the frame, the side portion does not extend so far beneath said confronting surface of the frame as to engage glazing compound between the frame and the pane as taught by Smith et al because it would enable Adam Jr. et al's cover to hide the edges in groove and thus reducing the precise manufacturing tolerance required of the cover, which would result in cost saving and guarantee covering of the exposed central portion of the pane.

8. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam Jr. et al in view of Smith et al (5735089) as applied to claim 34 above and further in view of Tachauer et al.

Adam Jr. et al as modified shows all the claimed limitations except for the covering comprising a plurality of strips of masking material.

Tachauer et al discloses a protective covering having a plurality of strips of masking material (figure 4A) to cover a large surface without resorting to one large (large in both dimensions) piece of covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Adams Jr. et al's modified structure to show the protective covering having a plurality of strips of masking material because it would allow for the covering of large surfaces

without resorting to one large piece of covering as taught by Tachauer et al, and thus resulting in cost saving per easy covering of the pane.

9. Claim 48-51, 53, 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam Jr. et al in view of Smith et al (5735089).

Adam Jr. et al shows a glazing assembly having a transparent pane (18) and a frame (26) to which the pane is mounted, the pane having first and second generally opposed major surfaces (20b, 21b), at least one edge received in the frame, the pane having a protective covering (22b) disposed over a portion of the first surface, the first surface having an unmasked apron (the surface not covered) extending between an outer periphery of the covering an outer periphery of the pane, the covering consisting of a single sheet of masking material, the pane being part of a multiple pane insulating glass unit, the pane being mounted such that all edges of the pane being received in the frame (figure 5b, 6b).

Adams Jr. et al does not show at least one piece of masking material having at least one/all peripheral side portion extending significantly beneath a confronting surface of the frame, the side portions extending a predetermined distance beneath the confronting surfaces of the frame.

Smith et al shows at least one piece of masking material (14) having at least one/all peripheral side portion extending significantly beneath a confronting surface of the frame (33), the side portions extending a predetermined distance beneath the confronting surfaces of the frame, the edges of the covering being inside grooves to hide the edges.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Adam jr. et al to show at least one piece of masking material having at least

one/all peripheral side portion extending significantly beneath a confronting surface of the frame, the side portions extending a predetermined distance beneath the confronting surfaces of the frame taught by Smith et al because it would enable Adam Jr. et al's cover to hide the edges in groove and thus reducing the precise manufacturing tolerance required of the cover, which would result in cost saving and guarantee covering of the exposed central portion of the pane.

10. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam Jr. et al in view of Smith et al (5735089) as applied to claim 50 above and further in view of Emmanuel (5836119).

Adam Jr. et al as modified shows all the claimed limitations except for the glazing compound between the frame and the pane.

Emmanuel shows glazing compound (83) connecting frame and pane together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Adam Jr. et al's modified structure to show the glazing compound between the frame and the pane because it would enhance the fastening and securement of the pane (18) to the frame (26, 28) as taught by Emmanuel.

11. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam Jr. et al in view of Smith et al (5735089) as applied to claim 48 above and further in view of Tachauer et al.

Adam Jr. et al as modified shows all the claimed limitations except for the covering comprising a plurality of strips of masking material.

Tachauer et al discloses a protective covering having a plurality of strips of masking material (figure 4A) to cover a large surface without resorting to one large (large in both dimensions) piece of covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Adams Jr. et al's modified structure to show the protective covering having a plurality of strips of masking material because it would allow for the covering of large surfaces without resorting to one large piece of covering as taught by Tachauer et al, and thus resulting in cost saving per easy covering of the pane.

12. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (5735089) in view of Emmanuel (5836119).

Smith et al (figure 2) shows a glazing assembly having an insulating glass unit (12) and a frame (33, 20) to which the insulating glass unit is mounted, the unit having a first pane (12) having generally opposed inner and outer surfaces, the first pane having at least one edge received in the frame, a protective covering (14) is disposed over a portion of the outer surface of the first pane, the outer surface of the first pane having an unmasked apron extending between an outer periphery of the covering and an outer periphery of the first pane, the covering having at least one piece of masking material (14) being sized, shaped and positioned such that at least one peripheral side portion of the covering extending significantly beneath a confronting surface of the frame (33), at least one peripheral side portion of the covering extending a predetermined distance beneath a confronting surface of the frame.

Smith et al does not show the unit having a second pane, the second pane having at least one edge received in the frame, glazing compound located between the frame and the outer surface of the first pane but not between the frame and outer surface of the second pane.

Emmanuel (figure 3) shows a window unit having a first and second pane (46, right and left respectively), the second pane having at least one edge received in the frame (96, figure 9),



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glazing compound (83) located between the frame and the outer surface of the first pane (46 right), a protective covering being disposed over a portion of the outer surface of the first pane, the outer surface of the first pane having an unmasked apron extending between an outer periphery of the covering and an outer periphery of the first pane.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Smith et al to show the unit having a second pane, the second pane having at least one edge received in the frame, glazing compound located between the frame and the outer surface of the first pane but not between the frame and outer surface of the second pane because having two glass pane in an insulating unit is well-known to enhance the insulation proper of the glass unit, having glazing compound between the frame and the outer surface of the pane would further secure together the pane and the frame as taught by Emmanuel, and having the glazing compound only between the first panel and the frame but not the second pane and the frame would have been an obvious matter of engineering design choice as it is a choice by the designer whether to further secure the second pane to frame with a glazing compound.

13. Claims 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (5735089) in view of Emmanuel (5836119) as applied to claim 56 above and further in view of Kupec et al (2672122).

Smith et al as modified shows all the claimed limitations except for the covering having at least one tab or extension to facilitate removing the covering.

Kupec et al shows a tab (36) attached to the covering to facilitate removing of the covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Smith et al's modified structure to show the covering having at least one tab or extension to facilitate removing the covering because it would facilitate easy removal of the covering as taught by Kupec et al.

Per claims 59-60, Smith et al as modified by Emmanuel and Kupec et al shows all the claimed limitations except for the distance being at least 1/16 inch and about 1/8 inch.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Smith et al's modified structure to show the distance being at least 1/16 inch and about 1/8 inch because it would have been an obvious matter of design choice to show the distance being at least 1/16 inch and about 1/8 inch since such a modification would have involved a mere change in the size of a component/groove. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different masking pane designs.

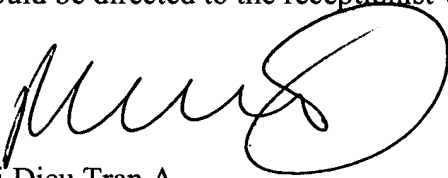
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, loopy flourish at the end.

Phi Dieu Tran A  
May 2, 2003